

the same individually instead of in his representative or official capacity; or that such instrument is executed by a trustee without record of Judicial or other ascertainment of the authority of such trustee or of the verity of the facts therein recited; or that the officer taking the acknowledgment of such instrument having an official seal did not affix the same to the certificate of acknowledgment; or that the notarial seal is not shown of record; or that the wording of the consideration may or might create an implied lien in favor of grantor, (By this is not meant an express vendor's lien retained); and said instrument shall be given the same effect as if it were not so defective; provided that this Act shall be cumulative of all other laws on this subject; and provided that if any portion of this Act be declared unconstitutional the remaining portion shall not be affected thereby and shall remain in full force and effect.

SEC. 2. The fact that under the present Law, there are numerous irregularities without merit in the instrument pertaining to real estate, resulting in confusion and loss of time, and that such condition of our realty records creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days, be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE: H. B. No. 146 passed the House 102 ayes, 3 nays; passed the Senate 27 ayes, 0 nays.]

Approved March 12, 1929.  
Effective March 12, 1929.

#### AMENDING CHILD LABOR LAW.

H. B. No. 319.] CHAPTER 180.

An Act to amend Chapter 42, of the Acts of the 39th Legislature, passed at its Regular Session, and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. That Chapter 42, of the Acts of the 39th Legislature, passed at its Regular Session, be amended so as to hereafter read as follows:

"Section 1. Any person, or any agent or employee of any person, firm or corporation who shall hereafter employ any child under the age of fifteen years to labor in or about any factory, mill, workshop, laundry, or in messenger service in towns and cities of more than fifteen thousand population, according to the preceding Federal census, shall be fined not less than Twenty-five Dollars nor more than Two Hundred Dollars, or be imprisoned in jail for not more than sixty days.

"Sec. 2. Any person, or agent or employee of any person, firm or corporation who shall hereafter employ any child under the age of seventeen years to labor in any mine, quarry or place where explosives are used, or who, having control or employment of such child, shall send or cause to be sent, or who shall permit any person, firm or corporation, their agents or employees to send any such child under the age of seventeen years to any disorderly house, bawdy house, assignation house, or place of amusement conducted for immoral purposes; the character or reputation of which could have been ascertained upon reasonable inquiry on the part of such person, firm or corporation having the control of such child, shall be fined not less than Fifty Dollars nor more than Five Hundred Dollars, or be imprisoned in jail not to exceed sixty days.

"Sec. 3. It shall be the duty of every person, firm, or corporation, their agents or employees, doing a messenger or delivery business, or whose employees may be required to deliver any message, package, merchandise or other thing, having in their employ or under their control, any child under the age of seventeen years, before sending any such child on such errand, to first ascertain if such child is being sent or is to be sent to any place prohibited in Section 2 of this Act. Failure or refusal to comply with this Section shall subject any person, or the agents or employees of any person, firm or corporation, having the control of such child or children, to the penalties provided in Section 2 of this Act.

"Sec. 4. Any person, firm or corporation, their agents or employees, having in their employ or under their control any child under the age of fifteen years, who shall require or permit any such child to work or be on duty for more than eight hours in any one calendar day, or for more than forty-eight hours in any one week, or who shall cause or permit such child to work between the hours of ten P. M. and five A. M. shall be fined not less than Twenty-five Dollars nor more than Two Hundred Dollars, or be imprisoned in jail not to exceed sixty days.

"Sec. 5. Upon application being made to the County Judge of any county in which any child over the age of twelve years shall reside, the earnings of which child are necessary for the support of itself, its mother when widowed or in needy circumstances, invalid father, or of other children younger than the child for whom the permit is sought, the said County Judge may upon the affidavit of such child or its parents or guardian, that the child for whom the permit is sought is over twelve years of age, that the said child has completed the fifth grade in a public school, or its equivalent, and that it shall not be employed in or around any mill, factory, workshop, or other place where dangerous machinery is used, nor in any mine, quarry or other place where explosives are used, or where the moral or physical condition of such child is liable to be injured, and that the earnings of such child are necessary for the support of such invalid parent, widowed mother or mother in needy circumstances, or of younger children, and that such support cannot be obtained in

any other manner, and that suitable employment has been obtained for such child, which affidavit shall be accompanied by the certificate of a licensed physician showing that such child is physically able to perform the work or labor for which the permit is sought, issue a permit for such child to enter such employment. Every person, firm or corporation employing any such child between the ages of twelve years and fifteen years shall post in a conspicuous place where such child is employed, the permit issued by the County Judge; provided that no permit shall be issued for a longer period than twelve months, but may be renewed from time to time upon satisfactory evidence being produced that the conditions under which the former permit was issued still exists, and that no physical or moral injury has resulted to such child by reason of its employment. In every case where a permit is sought for any child between the ages of twelve years and fifteen years, the parent, guardian or other person in charge or control of such child shall appear before the County Judge in person with such child for whom a permit is sought before such permit shall be issued. Nothing in this Act shall prevent the working of school children of any age from June 1 to September 1 of each year except that they shall not be permitted to work in factory, mill, workshop, and the places mentioned in Sections 2 and 5 of this Act; nor shall their hours of labor conflict with Section 4 of this Act.

"Sec. 6. The Commissioner of Labor Statistics, or any of his deputies or inspectors shall have free access during working hours to all places where children or minors are employed, and any owner, manager, superintendent, foreman or other person in authority, who shall refuse to admit, or in any way hinder or deter the said Commissioners or any of his deputies or inspectors from entering or remaining in such place, or from collecting information with respect to the employment of children as provided in this Act, shall be fined not less than Twenty-five Dollars nor more than One Hundred Dollars.

"Sec. 7. Provided that nothing in this Act shall be construed as prohibiting the employment by any person of nurses, maids, yard-servants, or others for private homes and families, regardless of their ages, nor apply to those engaged in agricultural pursuits. Nothing in this Act shall apply to the employment of children for farm labor, or to hours which children may work on farms, nor shall anything in this Act be construed as affecting the employment of children on farms, ranches, dairies, or other agricultural or stock-raising pursuits, nor shall any person be guilty under this Act where the child employed is permitted to work under the provisions of this Act.

"Sec. 8. All laws or parts of laws in conflict herewith are hereby repealed.

"Sec. 9. If any of the provisions of this Act shall be declared by proper Judicial action to be unconstitutional, that fact shall not operate to invalidate other provisions of the bill."

SEC. 2. The fact that the present law governing the employment of children is so worded as to require all of the exceptions

to be negated in drawing indictments, informations or complaints, as recently held by the Court of Criminal Appeals, and the further fact that the present Act will render it unnecessary to so negative such exceptions, and will remove all technicalities from the prosecutions of those unlawfully working children, and the necessity for simplifying the law so as to make its enforcement easy, and to prevent reversals on account of defective pleadings, creates an emergency, and an imperative public necessity, that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE: H. B. No. 319 passed the House 103 ayes, 3 nays; passed the Senate 30 ayes, 0 nays.]

Approved March 2, 1929.  
Effective March 2, 1929.

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#### TEN YEAR LIMITATION AS TO LAND SUITS.

H. B. No. 421.]                      CHAPTER 181.

An Act providing a 10 year period of limitation for the bringing of suit to recover land based upon certain defects in any instrument, where such instrument which has been or hereafter may be of record for 10 years or more, and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Any person who has the right of action for the recovery of land because of any one or more of the following defects in any instrument, where it has not been signed by the proper officer of any corporation; or where the corporate seal of the corporation has not been impressed on such instrument; or where the record does not show such corporate seal; or because the record does not show authority therefor by the Board of Directors and Stockholders (or either of them) of a corporation; or where such instrument was executed and delivered by a corporation which had been dissolved or whose charter had expired, or whose corporate franchise had been canceled, withdrawn or forfeited; or where the executor, administrator, guardian, assignee, receiver, Master in Chancery, agent or trustee, or other agency making such instrument, signed or acknowledged the same individually instead of in his representative or official capacity; or where such instrument is executed by a trustee without record of Judicial or other ascertainment of the authority of such trustee or of the verity of the facts therein recited; or where the officer taking the acknowledgment of such instrument having an official seal did not affix the same to the certificate of acknowledgment; or where the notarial seal is not shown of record; or where the wording of the consideration may or